

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

FS MEDICAL SUPPLIES, LLC,

Plaintiff,

v.

TANNERGAP, INC. *et al.*,

Defendants.

Civil Action Nos.

3:21-CV-00501-UJ1-WCM

3:23-CV-00598-UJ1-WCM

3:25-CV-00102-UJ1-WCM

**REPLY IN SUPPORT OF MOTION FOR  
ASSIGNMENT OF DISTRICT JUDGE, HEARING ON MOTIONS,  
AND SETTING OF RULE 16 STATUS CONFERENCE**

Defendants seem to view their response in opposition as an opportunity to bicker with their adversary. We disagree with that approach and will therefore keep this reply short.

The fact is, this case needs a District Judge, and it is the responsibility of the Court to assign one and move the case forward.

This is not a criticism of Judge Metcalf, who has handled this case with integrity and industry. In fact, Plaintiff suggested that the parties consent to have Judge Metcalf enter a final decision on the pending motions, but Defendants declined (as is their right).

Defendants' response in opposition makes numerous incorrect statements of fact and law, but those are fully addressed in the two substantive Orders that Judge Conrad entered and in the briefing of the 13 pending motions. Plaintiff respectfully requests the assignment of a District Judge and the setting of a conference and hearing.

This the 28th day of July, 2025.

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